

m/023/016



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Sanpete Ranger District
540 North Main Street
Ephraim, UT 84627
Phone # (435) 283-4151
Fax # (435) 283-5616

File Code: 2810

Date: April 13, 2004

Kay Christofferson
President, CEO
H.E. Davis Construction, Inc.
525 West Arrowhead Trail
Spanish Fork, UT 84660

Dear Mr. Christofferson:

On January 13, 2004, we (FS) met with you and the Utah Division of Oil, Gas and Mining (UDOGM), at the UDOGM office in Salt Lake City, to discuss deficiencies in your Plan of Operations/revised Large Mine Permit Application for the Chicken Creek West Mine (Levan) and Chicken Creek East Mine. Your current Plan of Operation (Levan Mine), dated August 12, 1993, needs revision due to mine expansions; during the meeting you agreed to provide a single Plan containing all required information.

The FS will cooperate with UDOGM as lead agency per the interagency MOU (Memorandum of Understanding) for locatable minerals dated December 28, 1989, to accommodate Plan development and "reduction of duplicative and burdensome regulations on the mining public". The MOU applicable as the Chicken Creek (Levan Mine) is considered a Large Mining Operation (greater than 5.0 acres of disturbance) by UDOGM. Reclamation bond requirements will be established and held by UDOGM, with FS concurrence. However, your mining operations must be consistent with both FS regulations (36 CFR 228a) and UDOGM rules which require the operator to provide an acceptable plan of operation. To accommodate this need, you agreed to provide a copy of the Large Mining Permit Application being prepared for UDOGM to the FS by January 31, 2004. We received your Plan of Operations/revised Large Mine Permit Application for the Chicken Creek West Mine (Levan) and Chicken Creek East Mine on March 8, 2004.

We have reviewed the Plan and have found it is not consistent with FS regulations as submitted. We will not be able to start the environmental documentation process necessary to approve/finalize the Plan of Operation until FS requirements have been met. Failure to provide adequate information could jeopardize future mining operations.

A detailed list of deficiencies and/or missing information as related to Form FS-2800-5 (Plan Of Operations For Mining Activities On National Forest System Lands) follows:

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APR 26 2004

DIV. OF OIL, GAS & MINING



I. GENERAL INFORMATION

D. Proposed start –up date of operation – *If ongoing indicate so.*

E. Expected total duration of this operation – *Self-explanatory. Your best estimation is all we request.*

F. If seasonal, expected date of annual reclamation/stabilization close out - *Indicate start-up and shutdown dates.*

G. Expected date for completion of all required reclamation – *Self-explanatory. Your best estimation is all we request.*

II. PRINCIPLES

C. Name, address and phone numbers of owners of the claims (if different than the operator) – *If same indicate so.*

III. PROPERTY OR AREA

Name of claim, if applicable, and the legal land description where the operation will be located – *MC#, Name, Section, Township and Range.*

IV. DESCRIPTION OF THE OPERATION

B. Map, Sketch, or Drawing –

Vicinity Map (no map or drawing number):

- Need to label the two mine areas (Chicken Creek West and Chicken Creek East).
- Need to label the roads (distinguish between Chicken Creek Road and Mine Project Roads.)
- Need to show Township, Range and Section Lines with surface ownership. Show the Forest boundary in bold line and non-Federal inholdings with ownership indicated.
- For Chicken Creek West Mine show existing mine area and proposed expansion area (distinguish between the two) with labels.
- For Chicken Creek West, show the approved area of disturbance for mining and staging areas with labels.

DRG B-1 Chicken Creek West

- The map is not legible as presented. Need labels and key to understand. Need to show and label the mine access road, staging area, current excavation area, proposed mine area, trackways, and delineate total area to be disturbed.

DRG B-2 (Levan Chicken Creek Mine East)

- Need to show and label the mine access road, staging area, trackway and area to be excavated (total area).

DRG C-1 (Levan Chicken Creek West)

- Need to show and label section lines for this to be meaningful.

DRG C-2 (Levan Chicken Creek East)

- Need to show and label the mine access road, mine facilities, trackway, and existing/proposed excavation areas for this to be meaningful so it is apparent which facilities are on National Forest System lands and non-Federal lands
- Need to show section lines for this to be meaningful.

DRG D-1 Levan Chicken Creek West Existing Facilities

- This drawing is not detailed enough to be able to show what is existing, approved, and proposed. Need to label the lines and polygons, showing all facilities, including drainage for the sediment pond, diversions/culverts, topsoil pile, material storage areas, fuel storage tanks with berms, gates, etc. in enough detail to tell what is existing, planned, and proposed.
- Map and Section II need to match.

DRG D-2 - There are two maps labeled DRG D-2. The second of the two (Existing Facilities Map, should probably be labeled D-3, since the next map in sequence is D-4.

Drawing D-2 does not show FS boundary or sediment control. Maps in Plan do not match Section II (Base Map Checklist) – needs to be updated. Reference maps with descriptions and vice versa. All descriptions that can be graphically represented need to be on a map with a legend. Need enough detail to understand what facilities are planned and where they are located. See comments on D-1.

DRG E-1 and E-2

- Need labels on the maps.
- Need to show reclamation of the roads.
- Need profile drawing/cross sections to show final reclamation topography including benches and highwalls. This was done for the East Mine but not West Mine.

C. Project Description – *III-3 estimated acreage should reference a map in the Plan. Must provide a mine plan map showing anticipated proposed expansion acreage in each year. Must discuss exploration methods. How many people are employed, and projected to be employed at the mine. What are your power requirements? (Generators, etc.)*

Must provide anticipated daily number loads (truck loads) of ore to be produced.

Must provide long-term plan for the mine.

Must provide annual operational plan including approximate blasting schedule.

D. Equipment and Vehicles – *Provide a tabulation of mine-site operational equipment that includes sizes, capacities, and frequency of use.*

E. Structures – *Provide a map and description of fuel storage, oil storage, control van, sanitation facilities and storage sheds.*

V. ENVIRONMENTAL PROTECTION MEASURES

B. Water Quality – *Describe the quantity and source of water used for dust suppression and water right number if applicable.*

Give specifics on who, when and how the springs will be monitored and where the data is located.

E. Fish and Wildlife – *Clarify error in Mt. Nebo report referring to the Bald Eagle instead of the Golden Eagle.*

F. Cultural Resources – *Must have professional clearance with SHPO concurrence.*

G. Hazardous Substances –

1. *Need to specify total number of drums containing hazardous material and need to justify the need for 10,000 gallons of fuel stored on site (how much is used in equipment daily etc.)*

2. *Need to specify methods, volumes, and frequency of fuel transports.*

Must have a Spill Contingency Plan by May 1, 2004.

Must have accurately placed property boundary signs on the ground.

General

Need to show loading zones and haul routes for the ore.

Need to document need for road on north side of drainage; authorization to use the road segments crossing National Forest System lands can only be made through the Plan of Operations.

Need details on reclamation of upper benches (width of benches & height and slope of highwall).

III – 8 Need to show soil piles on Maps.

106.9 Page III – 13

It is not acceptable to store topsoil on side of road. The topsoil must be stockpiled in a flat area where it can be protected. It must be seeded for life of mine. Need to separate topsoil from NFS lands from topsoil from private lands. Identify specific storage areas and describe how it will be protected during the life of the mine.

110.3 VII – 4

All roads and disturbed areas on NFS lands must be stabilized and reclaimed. Stability analysis must be done for all sloped areas (highwalls, benches) with a minimum safety factor of 1.5. Over all slope of reclaimed areas must not exceed 1 horizontal to 1 vertical.

If you have any questions please call me at (435) 283-4151 or Tom Lloyd at (435) 636-3596.

Sincerely,

/s/ Thomas H. Shore
THOMAS H. SHORE
District Ranger